C- 482 No. 124 of 2003

Hon' ble P.C. Verma, A.C. J.

Heard Sri P.S. Adhikari, learned counsel for the applicant and learned G.A.

This is an application under section 482, Cr. P.C. by the Police Officer on the ground that the sanction under section 197 Cr.P.C. has not been obtained prior to his prosecution.

Since according to the petitioner, alleged incident took place in official discharge of his duties, therefore, sanction under section 197 is necessary without which prosecution can not be ordered. The trial Court shall first decide the issue of grant of sanction for prosecution under section 197 Cr.P.C. and then proceed further.

Till the decision on the issue is taken, petitioner shall not be arrested. With this, the petition is finally disposed of.

27.06.2003 **(P.C.Verma, A.C.J)**

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